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PARTNER RESPONSIBLE FOR NEW JERSEY PRACTICE
SAMUEL W. LAMBERT III

October 26, 1995

**VIA CERTIFIED MAIL # P344919042
RETURN RECEIPT REQUESTED**

Joseph Cosentino, OSC
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue
Edison, New Jersey 08837

**RE: Response to Request for Information
Pursuant to Section 104(e) of CERCLA;
Bayonne Barrel & Drum Superfund Site**

Dear Mr. Cosentino:

Please accept this letter as the response of Mercury Foam Corporation ("Mercury Foam") to the Request for Information with respect to the Bayonne Barrel & Drum Superfund Site ("Site") issued by the Environmental Protection Agency ("EPA") under letter dated September 28, 1995. Mercury Foam of New Jersey ("Mercury Foam NJ"), the company which operated at the address where the 104(e) letter was received during a portion of the time during which Bayonne Barrel & Drum allegedly operated, was dissolved as a corporate entity on or about December 31, 1994. This letter is timely post-marked within thirty (30) calendar days of the date of the September 28, 1995 letter.

Mercury Foam desires to cooperate with EPA with respect to the Request for Information and, to that end, it has conducted a review of documents in its files and any available documents of Mercury Foam NJ and sought to discover information which may relate to the Site. Specifically, Mercury Foam made inquiries and reviewed available records for the period from the commencement of operations of Mercury Foam NJ in 1977 up to and including until 1985, when Bayonne Barrel & Drum ceased operations. However, Mercury Foam has discovered no information or documents indicating that Mercury Foam NJ or Mercury Foam ever transacted business with Bayonne Barrel & Drum or that it ever disposed of or otherwise sent materials to the Site. Despite the lack of information connecting Mercury Foam or Mercury Foam NJ to the Site, Mercury Foam has made an

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effort to respond to this Request for Information. To assist Mercury Foam in this effort, Mercury Foam requests that EPA provide it with any and all documents or other information that demonstrates that Mercury Foam NJ has any nexus to the Site.

It is alleged by EPA that during the 1991 emergency removal action EPA found one drum at the Site allegedly implicating Mercury Foam NJ. Specifically, we have contacted the Bayonne Barrel & Drum Hotline and we have been informed that the one drum allegedly was labeled with Mercury Foam NJ's RCRA Facility ID and a manifest number. However, based upon its investigation to date, Mercury Foam has been unable to verify this information and can find no document, such as a manifest or other hauler record, that would indicate that any drums were sent to the Site. In addition, we have contacted the New Jersey Department of Environmental Protection ("DEP") and the EPA Assistant Regional Counsel in an attempt to locate the manifest which may have been associated with the manifest number on the drum. No one, including the EPA, the DEP, and representatives of Mercury Foam, has been able to locate such a manifest. In order for Mercury Foam to perform any further investigation, Mercury Foam requests EPA to provide it with copies of any and all documents and information with respect to the drum.

As requested in the Request for Information, Mercury Foam NJ's EPA Identification Number was: NJD0585502599.

For its response to EPA's Request for Information, Mercury Foam Corporation responds as follows:

RESPONSES TO REQUEST FOR INFORMATION

1. **General Information About the Company**

- a. State the correct legal name of the Company.

RESPONSE:

Mercury Foam Corporation

- b. Identify the legal status of the Company (corporation, partnership, sole proprietorship, specify if other) and the state in which the Company was organized.

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RESPONSE:

Mercury Foam Corporation is a corporation duly organized under the laws of the State of New York. Mercury Foam Corporation of New Jersey was a corporation duly organized under the laws of the State of New Jersey and was dissolved as a corporation effective December 31, 1994.

- c. State the name(s) and address(es) of the President and the Chairperson of the Board of the Company.

RESPONSE:

The President and Chairperson of the Board of Mercury Foam is:

Mr. Larry Fenster
80 Leuning Street
South Hackensack, NJ 07606

- d. If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the President(s) and the Chairperson(s) of the Board of those organizations. Provide such information for any further parent/subsidiary relationships.

RESPONSE:

Mercury Foam Corporation of New Jersey was a subsidiary of Mercury Foam Corporation. The President and Chairperson of the Board of Mercury Foam Corporation is Mr. Larry Fenster, 80 Leuning Street, South Hackensack, NJ 07606.

- e. If the Company is a successor to, or has been succeeded by, another company, identify such other company and provide the same information requested above for the predecessor or successor company.

RESPONSE:

See response to 1.d. above.

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- f. If the Company transacted business with Bayonne Barrel & Drum in the name of an entity not disclosed above, give the name of such entity and state its relationship to the Company.

RESPONSE:

On the basis of Mercury Foam's investigation and on the basis of the information made currently available, neither Mercury Foam nor Mercury Foam NJ has ever transacted business with Bayonne Barrel & Drum in the name of Mercury Foam NJ or as any other entity.

2. **Company's Relationship to Bayonne Barrel & Drum**

- a. State whether the Company or any Company facility transacted any business with Bayonne Barrel & Drum for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").

RESPONSE:

On the basis of Mercury Foam's investigation and on the basis of the information made currently available, neither Mercury Foam nor Mercury Foam NJ has ever transacted any business with Bayonne Barrel & Drum for the disposal, treatment, or storage of any barrels, drums, or other containers.

- i. If so, describe the relationship (nature of services rendered or products sold to the Company) between the Company and Bayonne Barrel & Drum;

RESPONSE:

N/A

- ii. Provide copies of any contracts or agreements between the Company and Bayonne Barrel & Drum;

RESPONSE:

N/A

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- iii. For each such facility, state the nature of the operations conducted at the facility, including the time period in which the facility operated; and

RESPONSE:

N/A

- iv. For each such facility, state its name, address, and current RCRA Identification Number.

RESPONSE:

N/A

- b. In addition, if the Company transacted business with Bayonne Barrel & Drum, provide the following information for each transaction:

RESPONSE:

N/A - On the basis of Mercury Foam's investigation and on the basis of the information made currently available, Mercury Foam has no knowledge of Mercury Foam or Mercury Foam NJ having transacted business with Bayonne Barrel & Drum.

- i. Identify the specific dates of each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;

RESPONSE:

N/A

- ii. Identify the number of Containers that were the subject of each such transaction;

RESPONSE:

N/A

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- iii. Generically describe each Container that was the subject of each such transaction (example: closed-head steel drums, etc.);

RESPONSE:

N/A

- iv. Identify the intended purpose of each such transaction;

RESPONSE:

N/A

- v. State whether each Container that was the subject of the transaction contained any substance at the time of the transaction. As to each Container that contained any substance:

- (1) Identify each such substance, including its chemical content, physical state, quantity by volume and weight, and other characteristics; and

RESPONSE:

N/A

- (2) Provide all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

RESPONSE:

N/A

- vi. If you contend any such Container did not contain any substance at the time of the transaction:

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- (1) State whether such Container had previously been used by the Company to contain any substance, and if so:

RESPONSE:

N/A

- (a) Identify all substances previously contained within such Container, including its chemical content, physical state, and other characteristics; and

RESPONSE:

N/A

- (b) Provide as to such substances, all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

RESPONSE:

N/A

- vii. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned;

RESPONSE:

N/A

- viii. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices;

RESPONSE:

N/A

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- ix. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction; and

RESPONSE:

N/A

- x. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.

RESPONSE:

N/A

3. Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

RESPONSE:

Because Mercury Foam has no knowledge of Mercury Foam or Mercury Foam NJ having transacted any business with Bayonne Barrel & Drum, it is unaware of any other person having knowledge of facts relating to the questions which are the subject of this inquiry.

4. Identify each person consulted in responding to these questions and correlate each person to the question on which he or she was consulted.

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RESPONSE:

The following individuals were consulted concerning the questions identified next to their names:

	<u>Name</u>	<u>Question</u>
1.	Mr. Michael Gensberg	1., 2., 3., 7.
2.	Mr. Larry Fenster	2., 3., 7.
3.	Mr. Paul R. Hein	2., 3., 5., 6., 7.

5. Provide a list of all insurance policies and indemnification agreements held or entered into by you that may indemnify you against any liability that you may be found to have under CERCLA. Specify the insurer, type of policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response. In response to this request, please provide not only those policies and agreements that are currently in effect, but also those in effect since your company began sending Containers to the Site.

RESPONSE:

Because Mercury Foam has no record or knowledge of Mercury Foam or Mercury Foam NJ having ever transacted business with Bayonne Barrel & Drum or having sent any Containers to the Site, Mercury Foam considers this request to be inapplicable.

6. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the Company, present or past directors, officers or owners of shares in the Company, for any liability that may result under CERCLA. Provide a copy of any such agreement or contract. Identify any agreement or contract that you are unable to locate or obtain.

RESPONSE:

Because Mercury Foam has no record or knowledge of Mercury Foam or Mercury Foam NJ having ever transacted business with Bayonne Barrel & Drum or having sent any Containers to the Site, Mercury Foam considers this request to be inapplicable.

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7. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

RESPONSE:

Mercury Foam has no knowledge of information or documents relating to any other sources who may have disposed of or transported Containers to the Site.

Very truly yours,



Ellen L. Radow

ELR:ath

cc: Marc Seidenberg, Esquire
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007

Mr. Paul R. Hein
Vice President - R & D
Mercury Foam Corporation
214 South Newman Street
Hackensack, New Jersey 07601

Mr. Michael Gensberg
Mercury Foam Corporation
80 Leuning Street
South Hackensack, NJ 07606

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATIONState of New JerseyCounty of Bergen

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Michael Gensberg
NAME (print or type)

Vice President
TITLE (print or type)

Michael Gensberg
SIGNATURE

Sworn to me before this

26th day of OCTOBER, 1995

Carol-Ann Veprek
Notary Public
CAROL-ANN VEPREK
NOTARY PUBLIC OF NEW JERSEY

My commission expires

6/19/96